

**Serial No.:** 10/779,481

**Filing Date.:** 2/14/2004

**Office Action Date:** 1/23/2007

**Amendment Date:** 4/23/2007

**III. AMENDMENTS TO THE DRAWINGS**

None.

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#### **IV. REMARKS/ARGUMENTS**

Reconsideration of the instant pending Application for patent in light of the claim amendments and remarks herein presented is hereby requested.

In the subject Office Action, claims 5-9 were allowed, claims 1-3 were rejected under 35 U.S.C. 102 as being anticipated by USPN 5,786,640 to Sakai, and claim 4 was objected to as being dependent upon a rejected base claim but was indicated as allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the allowance of claims 5-9 and the recognition of the allowability of claim 4.

In this paper, Applicants have canceled claim 1, amended claims 2-4 and added new claims 10 and 11.

The rejection of claim 1 under 35 U.S.C. 102 is rendered moot in view of the cancellation of claim 1.

Claim 4 has been amended to incorporate the limitations of claim 1. Therefore, claim 4 is believed to overcome the objection thereto and is in condition for allowance in accordance with the indicated conditions for allowability set forth in the subject Office Action.

Claims 2 and 3 have been amended to now depend from allowable claim 4. In as much as claims 2 and 3 recite additional limitations to allowable claim 4, claims 2 and 3 are believed to be in condition for allowance also.

New claims 10 and 11 are presented for consideration and applicants respectfully request their examination and the consideration of the remarks related thereto set forth in further detail herein below.

Claims 10 and 11 correspond, respectively, to Applicants' invention as applicable to high state of charge and low state of charge scenarios. Among other recitations, claim 10 recites diagnosing a critical state of charge condition if the state of charge exceeds the predetermined high state of charge for a duration that is variable as a function of the state of charge, wherein the duration is reduced as energy storage system state of charge increases. Similarly, among other recitations, claim 11 recites diagnosing a critical state of charge condition if the state of charge is below the predetermined low state of charge for a duration that is variable as a function of the state of charge, wherein the duration is reduced as energy

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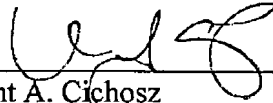
storage system state of charge decreases. Applicants respectfully submit that, in view of the recited reasons for allowability of claim 4 set forth in the subject office action, as well as the remaining recitations of those claims, claims 10 and 11 are also allowable over the art of record. Applicants therefore respectfully request that claims 10 and 11 be allowed.

In summary, the subject office action allowed claims 5-9. Applicants have canceled rejected claim 1. Applicants have amended claims 2-4 to bring them into condition for allowance. Applicants have presented new claims 10 and 11 which are respectfully asserted to be allowable over the art of record. Therefore, Applicants' respectfully request that all pending claims 2-11 be found to be in condition for allowance and that same be allowed to proceed to issue.

If the Examiner has any questions regarding the contents of the present changes, the applicants' attorney may be contacted at the phone number appearing below.

Any fees associated with this response may be charged to General Motors Deposit Account No. 07-0960.

Respectfully submitted,



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